

Disciplinary Procedure

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1. Purpose and Scope

The PCC expects and supports a high standard of personal conduct and service in all who are activity involved in or support the mission and ministry of the Church. Where it is considered that a person should change or improve their conduct or performance, the normal recourse is for the line manager or responsible person to provide coaching, direction or advice with the aim of improving a person's conduct or performance, with the expectation that the person will respond positively.

However, if the person subsequently continues to breach best practice or is in consistent breach of PCC policies or if their performance is consistently unsatisfactory disciplinary action is required. The matters could include by example, but not limited to:

- Bad time-keeping and absenteeism
- Refusal to comply with reasonable instructions
- Theft, fraud and dishonest behaviour
- Failure to comply with PCC policies and procedures
- Misuse of Church property and facilities
- Gambling or fighting on Church premises
- Substandard performance
- Action which is likely to prejudice the interests of the Church, or any partner organisation and/or bringing the Church or any of its employees or volunteers into disrepute
- Misuse or unauthorised use of computer systems, including the inappropriate use of the Internet or E-mail

This procedure sets out the action which will be taken if; a member of the clergy, a licensed lay reader, a lay assistant or worker, a PCC employee or ministry contractor, a ministry trainee, volunteer or church member fails to improve their conduct or performance.

2. Application

The use of the disciplinary procedure is initially at the discretion of the person's immediate line manager or responsible person, but they are encouraged to discuss the issue with the Lead Minister or a Church Warden(s) before initiating the procedure and to update the Lead Minister or a Church Warden on the progress of the actions as they progress. The line manager or responsible person **must** notify the PCC Secretary that a disciplinary action has been taken.

Where the person is employed, engaged or licensed by the Diocese, for example; a member of the clergy, a licensed lay reader, a licensed lay assistant or a license worker, then the Lead Minister or a Church Warden(s) shall discuss the issues with a representative of the Diocese. Following consultation with the Diocese this procedure or the Diocesan procedure shall apply.

This procedure is designed in stages to establish the facts quickly and to deal consistently with disciplinary and performance issues. No disciplinary action shall be taken until the matter has been investigated.

The form of disciplinary action that can be taken will depend on the basis on which the person is engaged, for example the sanctions that can be applied to an employee may not be applicable to a volunteer.

However, irrespective of the form of engagement the PCC reserves the right to suspend a person, who is the subject to a disciplinary action from their role, at any stage of the procedure in order to investigate an incident. But this does not mean that the person has been or will be found guilty of any particular offence or act of misconduct.

Should an employee be suspended then this will be with pay.

Where the offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the Church or a vulnerable person, it may be justifiable to move directly to a final written warning.

At every stage, the person will be informed (this may be in writing) of what is alleged and have the opportunity to state their case.

If they wish, the person under investigation has a right to representation by a trade union representative, work colleague or supporter. The representative has the right to explain and sum up the person's case and to respond to any views expressed at any hearing or investigatory meeting but may not answer questions on the employee's behalf.

The person is expected to make every effort to attend a disciplinary meeting and is obliged to inform the line manager or responsible person in a timely fashion if they are unable to attend.

Where an employee falls sick during suspension or the disciplinary process the sickness procedure will apply.

Failure to attend a disciplinary meeting, without good reason is inadvisable and may result in the hearing being held without the person being present.

If it is necessary for the PCC to take action under the disciplinary procedure the person will be issued with a written statement setting out the nature of their conduct, capability or other circumstances that resulted in the disciplinary action.

The person has the right to appeal against any disciplinary action.

3. The investigation

Prior to taking the decision to invoke the disciplinary procedure, the PCC will ensure that a thorough investigation is carried out. This is a fact-finding process and may necessitate the gathering of detailed information as well as the carrying out of formal interviews, taking of written statements, etc.

A proper investigation is an integral part of the process and, where an allegation of gross misconduct is involved, may require employees to be suspended on contractual pay whilst this is carried out. Suspension on full pay is not considered to be a sanction taken under the disciplinary procedure. It is there to ensure that issues are dealt with in a fair and reasonable manner, and adequate protection is given to all employees.

4. The hearing

At each step in the procedure a disciplinary meeting will be held where all the facts will be considered, and any mitigating circumstances discussed. Where a warning is issued a copy will be placed on the employee's personnel file for the specified period. All warnings issued under this procedure will state clearly that the employee will be liable for further disciplinary action should their performance not improve or should there be a further breach of **Church** rules. In the event of no further misconduct occurring and the performance improving, the warning will be removed, and the employee's file will be clear. The employee will also be advised of their right to appeal against the decision to take disciplinary action.

Potential outcomes of the hearing

Stage 1: Informal Action

Minor misconduct, for example, deterioration of performance, poor timekeeping, not following instructions etc. can usually be dealt with via informal action in the first instance through a verbal warning.

The warning will explain in detail the reason for the warning, the expected improvements, the timescale within which the improvement should occur and the consequences of failure to improve.

The line manager or responsible person will keep a written record of the warning given and the names of persons present during the meeting.

The line manager or responsible person may discuss the issue confidentially with members of the Business Management Team if this is appropriate.

The warning will be considered spent after 6 months of satisfactory performance.

4.1. Stage 2: Formal Action

Where either a more serious disciplinary offence has been committed, or further minor offences have been committed during the period covered by a previous verbal warning that remains live, a written warning will be given

The written warning or performance improvement notice will explain in detail the reason for this action, the expected improvements required, the timescale within which the improvement should occur and the consequences of a failure to improve.

The person will also be informed that a final written warning may be considered if there is no sustained improvement or satisfactory change in conduct or performance.

Such warnings will be recorded but disregarded after 6 months of satisfactory service.

4.2. Stage 3: Final Written Warning

If the offence is serious, or there is no improvement in standards or performance within 3 months, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results, action at Stage 4 will be taken.

Such warnings will be recorded but disregarded after *two years* of satisfactory service.

4.3. Stage 4: Barring, Action Short of Dismissal or Dismissal

If the conduct or performance of the person has failed to improve, the line manager or responsible person **must** request an investigation by a panel to review the case. The panel will normally comprise members of the Leadership Team, the Safe Guarding Co-ordinator and may include an independent person or a representative of the Diocese.

If after investigation it is confirmed that the person has failed to improve their conduct or performance, the PCC may decide to bar the person from church activities.

If the person is a PCC employee or ministry contractor, they may be suspended without pay.

Alternatively, depending on the circumstances an employee may suffer demotion, disciplinary transfer including loss of seniority or loss of other terms and conditions of employment. In such circumstances the employee will be given a notice of change in the conditions of employment or of termination of employment.

Any decision to dismiss an employee or contractor will be taken by the PCC only after full investigation has taken place and the person has had the opportunity to state their case.

If, after investigation, it is confirmed that the employee or contractor has committed an offence of gross misconduct the normal consequence will be dismissal. Dismissal of an employee or contractor will be without notice and without payment in lieu of notice.

5. Gross Misconduct

In circumstances where the line manager or responsible person considers that a person has committed an act of gross misconduct then this section shall apply.

Gross misconduct is characterised as an objectionable action that is wilful and cannot be described as a mistake or an act of negligence. Some clear examples of gross misconduct are listed below.

- serious breach of PCC policies and procedure;
- any act of dishonesty affecting ability or suitability for continued engagement including theft, damage to property or fraud, both inside or outside work;
- incapacity due to being under the influence of alcohol or illegal drugs;
- bullying and harassment or other intimidating or offensive behaviour including acts or threats of physical violence towards others;
- serious insubordination or rudeness to colleagues, clients, or key stakeholders;
- bringing St Mary's Lutterworth or any partner organisation into serious disrepute;
- serious breaches of organisational, employee or client confidentiality or under the Public Interest (Disclosure) Act 1998);
- serious negligence which causes or might cause loss, damage or injury;
- wilful or negligent damage to, or misuse, or unauthorised use, of the Church's property or facilities;
- unauthorised absence from work including unreasonable failure to comply with the Employer's sickness and absence policy and procedures;

Note: The list is not exhaustive, and reference should be made to the Gross Misconduct section of the Diocesan Staff Handbook regarding other acts of gross misconduct.

5.1. Investigation

In cases where a person is alleged to have made an act of gross misconduct, the PCC shall appoint a member of the Leadership Team or the Diocese to undertake the investigation and may appoint an independent investigator or external advisor to assist them.

5.2. Barring and Suspension

While the alleged gross misconduct is being investigated, the person may be barred or in the case of a PCC employee or contractor suspended from their role.

A decision to bar or to suspend a person may be made by the PCC or Diocese. While barred or suspended, the person may not normally visit Church premises, attend Church services or discuss the process with any other employee of Lutterworth PCC or PCC member without the consent of the Lead Minister or Churchwardens.

Barring or suspension is not a penalty but a precautionary measure and will not prejudice any disciplinary meeting. The PCC will use its best endeavours to minimise the length of the period.

If a PCC employee or contractor is suspended, they will be paid their normal pay and may be required to be available to attend investigation meetings during normal working hours.

Diocesan rules will apply in cases where the person is employed or engaged by the Diocese.

The PCC will arrange for appropriate pastoral support for the person during any period of barring or suspension.

5.3. Dismissal of an Employee or Contractor

Any decision to dismiss an employee or contractor will be taken by the PCC only after full investigation has taken place and the person has had the opportunity to state their case.

If, after investigation, it is confirmed that the employee or contractor has committed an offence of gross misconduct the normal consequence will be dismissal. Dismissal of an employee or contractor will be without notice and without payment in lieu of notice.

6. Appeals

If the person wishes to appeal against any disciplinary decision they must do so in writing to the PCC Secretary within five working days of receipt of the outcome of the disciplinary hearing.

The person will be invited to an appeal meeting, normally within ten working days of the Church receiving the appeal. If the timelines are not achievable, for any reason, the panel will keep the person informed of the reason and likely timeframe.

The appeal will be heard by an Appeal Panel, which may include the Lead Minister, Church Warden or other members of the PCC and as appropriate an independent person or representative of the Diocese.

If they wish the person making the appeal has a right to representation by a trade union representative, a work colleague or supporter. The representative has the right to explain and sum up the person's case and to respond to any views expressed by the Panel but may not answer questions on the person's behalf.

The outcome of the appeal will be confirmed by the PCC Secretary in writing and the decision shall be final.

7. Retention of Records

When a disciplinary procedure has been initiated a confidential record of the written warning or improvement notes, dates of meetings, panel members and panel decisions will be held for a period of two years.